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### REMARKS

Claims 1-12 and 14-30 remain in the application. Claim 13 has been canceled. Claims 1, 9-12, 16, 23 and 30 have been amended. Reconsideration of the pending claims is respectfully requested.

### CLAIM REJECTIONS UNDER 35 USC §112

The Office Action rejected claims 1-30 under 35 USC 112, first paragraph, for failing to comply with the written description requirement. Independent claims 1, 16, and 23 were amended to more closely conform to the specification at paragraph [0017]. Thus, the step of analyzing was cancelled so that it no longer appears that two incrementing steps are required. The claims that are dependent on the independent claims inherit the amendment. Therefore, the rejection is overcome.

Claims 1-30 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. This rejection is a consequence of the lack of written description and is overcome for the reasons discussed above.

The Office Action rejected claims 5, 13, 22, and 26 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The limitations of claims 5, 22, and 26 which were part of the original specification, were added to the written description of an embodiment to provide support for the claims. Claim 13 was cancelled, thus mooting the rejection.

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The Office Action rejected claims 9-12, and 30 under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. These claims have been amended to perform the recited functions at the end of a phase as specified in the written description. Therefore, the rejection is overcome.

The Office Action rejected claims 1-30 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The Office Action contends that "associating a phase with an activation" is not clear. The language as quoted by the Examiner does not reflect the current state of the claims. The entire claim language should be considered. The entire claim language is: "associating the phase with the activation whose activation count is non-zero." Therefore, the Examiner is asked to consider that the phase is not associated with any activation but with an activation *whose activation count is non-zero*. Applicants respectfully submit that the claim language when considered in its entirety is clear.

The Office Action rejected claim 9 under 35 USC 112, second paragraph, as failing to set forth the subject matter which Applicants regard as their invention. Claim 9 has been amended to state that thread switches are scheduled at the end of a phase. Therefore the sentence is now complete.

#### **CLAIM REJECTIONS UNDER 35 USC §102**

The Office Action rejected claims 1-4, 6-8, 12, 14-21, 23-25, and 27-29 under 35 USC 102(e) as being anticipated by Houldsworth (USPN 6,557,091). "A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be

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disclosed in a single prior art reference." In re Paulsen, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

Houldsworth does not disclose each and every limitation of the claimed invention of claim 1. The Office Action contends that Houldsworth discloses "allocating space in memory for an activation count for each frame." In doing so apparently the Office Action regards the HT/COUNT as the activation count. However, an examination of the Houldsworth patent reveals that the HT/COUNT is not the same as the claimed activation count.

According to Houldsworth "A handle table HT is provided for carrying pointers identifying data object locations." Col. 4, lines 37-40. While the handle table contains a reference count, that is, a count of reference objects, not activations. An activation count represents the number of activations. An activation is a well known term that was defined in a textbook cited in a response to a previous office action. Houldsworth further provides that "the handle data structure HT extended to include a count of the number of references to an object from reference stacks." There is no indication or hint in Houldsworth that the handle table HT keeps a count of activations. There is no reasonable interpretation of the term "activation count" that encompasses the HT COUNT of Houldsworth.

Claims 2-15 are dependent on claim 1 and are not anticipated by Houldsworth for the foregoing reasons. Claim 16 is a machine counterpart to claim 1 and its dependent claims are not anticipated by Houldsworth for the foregoing reasons. Claim 23 is a manufacture counterpart to claim 1 and its dependent claims are not anticipated by Houldsworth for the foregoing reasons.

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For the foregoing reasons, Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,



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